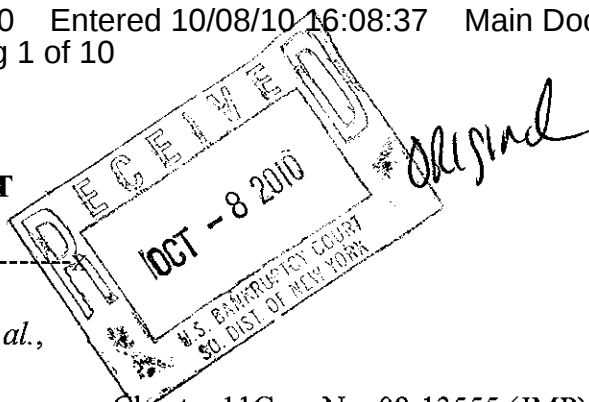


**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**



In re:

LEHMAN BROTHERS HOLDINGS INC., *et al.*,
Debtors.

-----x Chapter 11 Case No. 08-13555 (JMP)JA
COMMONWEALTH OF MASSACHUSETTS)

Brian Smale
COUNTY OF NANTUCKET)

) ss
)

SUPPORTING AFFIDAVIT OF WILLIAM KUNTZ, III

Having been duly Cautioned and Sworn, Affiant, William Kuntz, III doth hereby make the following Oath and Affidavit to wit:

That the Following Affidavit is made in support of certain claims filed and in opposition to the Motion of the Debtor to expunge same, upon information and belief:

- 1) About 15 years ago, Deponent purchased on the open market certain Notes of the Grand Union Capital Corp , the 0% Notes at his stockbroker on Park Ave in New York City. The respective face value upon consolidated delivery were \$1.3 Million US Dollars, \$1 Million US Dollars and \$892,000.
- 2) About that time, the Grand Union Company, Grand Union Capital and Grand Union Holdings found themselves in Bankruptcy Court in the District of Delaware before the Honorable Peter J Walsh.
- 3) After a time, a Plan was put forward with respect to Grand Union Company. At the Confirmation, Deponent appeared before Judge Walsh and it was stated on the record before the Court that Deponent was not taking the offered exchange offer and so forth. Contained in the Plan was a Cash Escrow of some \$3 Million US Dollars.
- 4) Upon confirmation, the Exchange Agent for the Notes filed an Affidavit in Delaware that of the several hundred millions of dollars of the Outstanding notes, that 99.7% were believed to be tendered and exchanged for new Equity Securities in Grand Union Company.
- 5) About this time, Deponent was deposed by Counsel for the Debtor<s?>, Grand Union in Lake Placid, NY at the Law Office of Briggs, Dwyer and Smith as to the exact purchase prices, etc. of his holdings. To Deponents knowledge, that was never Docketed or used futher in any Court Proceedings, but remained in the Exclusive Control and Custody of Grand Union's Attorney's.

- 6) About that time or shortly thereafter, the Bankruptcy Proceedings of Grand Union Capital and Grand Union Holdings Were dismissed without a Plan being proposed or confirmed. Upon information and belief, subsequent to that, Grand Union Capital and Grand Union Holdings were dissolved in Delaware without Notice to Creditors and without any Distribution. At that time, the Principal Address of Grand Union Capital and Grand Union Holdings were in Rye, New York in Westchester County and were under the control of the MHT Entity. The MHT Entity was fully involved in the so called Cash Escrow.
- 7) Also about that time, Deponent's Stockbroker, once known as Bache, Halsey, Stuart, and after several mutations, now known as Wells Fargo Advisors delivered Deponents Notes. 2 Notes were registered in Deponents Name. However, the 3rd Note, in the Face amount of \$892,000 was delivered to Deponent in Street Name, with an open Endorsement by virtue of the closure of the Books of the Transfer Agent.
- 8) About 2 years and many months after the Grand Union Plan was confirmed and well after the end of the Exchange Period, and after consultation with Deponents Broker, Mr. Stanley Allentoff Deponent redeposited the \$892,000 Note back into his account. To Deponents Great anguish and surprise, the following day, the Firm Computers upon instructions from the Depository Trust Master CUSIP file converted Deponents \$892,000 0% Note into a paltry handful of Warrants with a market value of less than \$2,000. Needless to say, in the slang of our day, Deponent was not a **happy camper**.

Thus started a extended go around supported by Evilin Churchill, Vice President of Deponents Stockbroker Setting for that Deponent had been excluded from the Settlement, had not executed the Exchange Offer Paperwork And had redelivered the Note well after the end of the time Period in question.

- 9) In the end, it appeared that do to the failure of IBJ Schroders Bank to properly instruct the Depository Trust Company as to the toll date of the Exchange Offer and as gone into in detail by the Honorable Novalyn Winfield, United States Bankruptcy Judge for the Northern District of New Jersey, that Deponent Note was restored to him and re-deposited to his Brokers Account¹ in New York City. This is set forth in the Exhibits to the Debtors Claim Objection.
- 10) Deponent might freely state that of the Noteholders who tendered into the Plan before Judge Walsh, suffered significant if not total losses running into the Hundreds of Millions of US Dollars and included such savvy investors As Putnam Fund, Lutheren Brotherhood, Dean Witter and Franklin. As set forth in fairly hazy terms, the Debtor's Counsel now concedes that in fact there was a Cash Escrow, but on first reading skirts the issue of it's role as Co-Counsel In Grand Union. As the Court may recall, this is way off the position they took And have taken starting with the phone book sized objection to Deponents Motion to Lift the Automatic Stay so that Deponent might proceed in New York Supreme Court In order, among other things to satisfy the New York State Comptroller's Office of Unclaimed Funds as to Grand Union Capital Corp Funds that found a new home in Albany.
- 11) As the Court might recall, at the Omnibus Claims Hearing on March 17,2010 Deponent offered a Document in support of his Claims which was spurned by the Court. Line 25-Page 108 thru Line 15 Page 109 Transcript.

And if Your Honor would permit, I'll hand a copy
212-267-6868 516-608-2400

VERITEXT REPORTING COMPANY

109

1 to --

2 THE COURT: You can hand a copy of that to anybody
3 you like but I don't want a copy now.

4 MR. KUNTZ: No, I'd like to have one attached as an
5 exhibit to the transcript.

6 THE COURT: No, I'm not -- this is not a court --
7 this is not germane to the fourth omnibus objection to claims,
8 which has --

¹ In an amazing display of incompetence, the broker in transitioning it's books and records into what is now Wells Fargo Advisors have again misplaced this position. However, the Winfield Order, issued after it was discovered that US Bank had <intentionally, it appears in order to frustrate the Court and Deponent in recovery of his Securities> destroyed the unissued Notes in it's inventory crafted an Order which survived this further display of Wall Street's unending lack of care with respect to small retail investors.

9 MR. KUNTZ: I'm simply trying to clarify my position,
10 Your Honor. Otherwise, I'm going to look forward to another
11 round of objections and Mr. Miller's already stated -- although
12 he's left -- that he wants to challenge my standing, which I
13 welcome. I very much would welcome a resolution to this
14 because I've spent a lot of time at this. Your Honor's
15 probably heard more than you care to from me, I'm sure.

12) During these times, Deponent maintained a storage area of most of his
Papers from the several Bankruptcy Major Cases he has been involved in at
70 South Main St, Westport, NY in Essex County, NY to so called
Hoffnagle House, an historic² house of about 165 years of age,
being of the so called plank³ construction.
Deponent also attempted to obtain, without success the Papers of the late
Victor Kurtz, Austrian Economist and purveyor of Women's Veilings who
was so active in the Estate of W.T. Grant Company with a view of donating them
to the Amos Tuck School of Business in New Hampshire.

² In 1642, Jesuit missionary Isaac Jogues was tortured by Iroquois at Coles Bay. He survived and was eventually saved by merchants from New Amsterdam.

The town was founded by William Gilliland in 1764 who surveyed an area in the southern part of the town and was granted 2,300 acres; he also established the neighboring towns of Elizabethtown and Willsboro. Gilliland originally called his patent "Bessboro" after his wife. The original settlement, which may have supplied wood to Benedict Arnold's troops, was completely destroyed during the revolutionary war in connection with British General John Burgoyne's march from Canada to Saratoga. The first permanent settlement was in 1785.^[8]

• ³ Post-and-plank Post-and-plank is a construction method which was once fairly common in various areas of the United States , but which is now rarely used. ... 600 B (79 words) - 06:02, 14 June 2010
• Wikipedia.com <http://en.wikipedia.org/wiki/Special:Search?search=plank+construction&go=Go>

13) Subsequent to the resolution of the wayward \$892,000 note, Deponent fell into a episode of Domestic Disharmony and due to the Neo-Facism of New York State Courts in denying Men the Fundament Rights of all English speaking peoples from the time of King John and Magna Carta, Deponent was indicted for such heinous crimes as attempting to extract his now ex-wife's Volvo Station Wagon from a Snowbank. Out of the 18 Count indictment, where Deponent faced a Maximum Sentence of Perhaps 27 and ½ years, Deponent was able to plea down to a single misdemeanor. On that Count, Deponent ended up serving the full County Year, as is the Custom of those otherwise fooled into accepting Probation. Deponent ended his time in mid 2005. Three days later, Deponent was admitted to the Emergency Room of the Framingham, Mass Hospital for a Medical Condition which went untreated in Jail. As a result, Deponent ended up in Surgery in Boston @ BW Hospital for a fairly serious operation. After recovery and upon returning to Westport on a visit, Deponent learned that his now ex-wife had sold Hoffnagle House and the new owner had disposed of all of Deponents Records, Books and Other artifacts, irrespective of his rights of ownership. In addition, the new owner also disposed of Deponents old Mercedes Benz 450 SEL which had served as a Limo to the Peoples Republic of China⁴ during the 1980 Winter Olympics. Attached is a email and notice of claim and reply by the State of New York clearly mentioning the 70 S Main St Address.

• ⁴ [China at the 1980 Winter Olympics](#) The People's Republic of China competed at the Winter Olympic Games for the first time at the 1980 Winter Olympics in Lake Placid , ... 6 KB (537 words) - 13:47, 5 September 2010 wikipedia.com

According, at this point, Deponents Proof of Claims while not in the most desirable form where filed in time and due to the obvious, in that Weil, Gotshal was Co-Counsel to Grand Union not so obscure that they didn't and or don't have full knowledge of just what is going on with respect to Claimant. They are in the correct principal amount. Claimant/Deponent, using a computer program believes they also correctly reflect the interest. Claimant/Deponent further believes that he may well be entitled to a Post Petition Administrative claims as the Grand Union Capital Obligations are not Directly impaired this Debtor's Ch 11 and that the Funds are being fully used by them. Deponent invited Weil, Gotshal to release the other records and transcripts which it no doubt should have, as Deponent believes they were paid almost \$20 Million in Professional Fees in the New Jersey Case, where the Cash Escrow went down a Dark Hole and in Deponents belief constructively/factually/ and upon full knowledge if not complicity of Weil, Gotshal moved into the Debtors pocket.

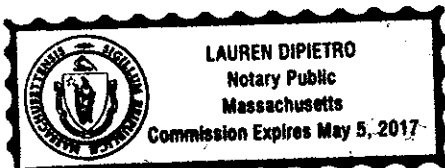
Further Affiant Sayeth Naught


WILLIAM KUNTZ, III

SWORN TO BEFORE ME A NOTARY PUBLIC THIS 7 OF Oct., 2010
AT NANTUCKET, IN THE COMMONWEALTH

BURNSABLE
(SEAL)

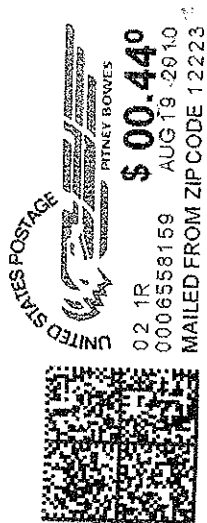
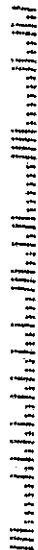

NOTARY PUBLIC/CLERK



State of New York
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

William Kuntz, III
India St.
PO Box 1801
Nantucket Island, Massachusetts 02554-1801

02554-1801 8001



YAHOO! MAIL
William Kuntz

Re: NOTICE OF CLAIM-TROOP B LEWIS SUBSTATION

Wednesday, March 3, 2010 10:27 AM

From: "NYS General Email" <NyspMail@troopers.state.ny.us>

To: "william kuntz" <kuntzwm1@yahoo.com>

Your note has been forwarded to our Office of Counsel. No future communications on this subject to this e-mail address will be acknowledged.

Any future communications on this matter should be addressed to: NEW YORK STATE POLICE, Office of Counsel, STATE OFFICE CAMPUS, ALBANY, NY 12226-2252.

>>> william kuntz <kuntzwm1@yahoo.com> 2/26/2010 9:01 AM >>>

AS YOUR RECORDS MAY REFLECT, I ASKED AND ASKED AND ASKED TO HAVE SOME UNIT GO AND CHECK THE LOCATION AND VIN OF A CAR @ 70 S MAIN ST WESTPORT NY 12993
1994 MERCEDES BENZ 450 SEL

I AM NOW INFORMED THAT THE CAR WAS REMOVED AND DESTROYED

ACCORDINGLY YOU MAY TAKE THIS AS A NOTICE OF CLAIM OF YOUR NEGLECT
AND LIABILITY ON THIS VEHICLE

William Kuntz, III
kuntzwm1@yahoo.com
India St
PO Box 1801
Nantucket Island, Massachusetts 02554-1801 USofA

RECEIVED
NYS OFFICE OF THE
AUG 18 2010
ATTORNEY GENERAL
CLAIMS BUREAU

This e-mail, including any attachments, may contain highly sensitive and confidential information.

It is intended only for the individual(s) named.

If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
CLAIMS BUREAU

August 19, 2010

William Kuntz, III
India St.
PO Box 1801
Nantucket Island, Massachusetts 02554-1801

RE: Kuntz v. State of New York

Dear Mr. Kuntz:

Pursuant to CPLR Rule 3022, the defendant is electing to treat the enclosed document received on today's date as a nullity and is hereby rejecting and returning it to you for the following reasons:

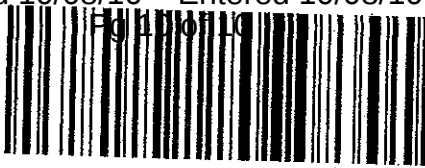
- ☒ it is unverified;
☐ the verification is not notarized;
☐ it is not properly verified
because; _____
other _____

ALBANY CLAIMS BUREAU

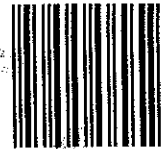
Enclosure

Re: US Post Office attempting to

027TY-1801



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1000

12224

U.S. POST
PAID
ELIZABETHTON
12932
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AMOUNT

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Track & Confirm
FAQs

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NY'S OFFICE OF THE

AUG 18 2010

ATTORNEY GENERAL
CLAIMS BUREAU

Claims

Attorney General
STATE of NY
Albany NY 12224

RECEIVED
NY'S OFFICE OF THE
AUG 18
ATTORNEY GENERAL
CLAIMS BUREAU

Label/Receipt Number: 7009 2820 0003 3170 1621
Class: First-Class Mail®
Service(s): Certified Mail™
Status: Notice Left

We attempted to deliver your item at LEWIS, NY 12950 and a notice was left. You may pick up the item at the Post Office indicated on the notice, go to www.usps.com/redelivery, or call 800-ASK-USPS to arrange for redelivery. If this item is unclaimed after 15 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE